IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1253 OF 2006

Shri Deepak Eknath Chinnawar ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

Mr.Mangesh M.D.Patel and Ms.Kranti S.S.Anand for the petitioner

Smt.A.S.Pai, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 17TH AUGUST, 2006

P.C.:

1. The petition is filed by the father of the deceased, Sou.Prajakta Vaibhav Kaulwar who is not satisfied with the investigation carried out by respondent no.2.

2. It is the grievance of the petitioner that respondent no.2 has not carried out fair and impartial investigation and has left lacuna which can benefit the accused and therefore, this court should direct re-investigation of the case by an independent agency.

3. After we heard the learned counsel for the petitioners for sufficiently long time, the learned counsel for the petitioners submits that they may be permitted to withdraw the petition and seek alternative remedy available to them under the law particularly in view of the fact that charge sheet in the case is already been filed and charges are framed by the trial court.

4. In view of this, we permit the petitioners to withdraw the petition with liberty to take recourse to whatever remedy available to them under the law including seeking permission to prosecute the case as provided under section 302 of the Cr.P.C.

5. Petition disposed of with aforesaid liberty.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)